

CHARTER
OF THE
City of Westminster
CARROLL COUNTY, MARYLAND

*As found in a 1972 Edition by the Michie Publishing Company,
supplemented to May, 1982*

(Reprinted November 2008)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also contact the
Maryland Relay Service to contact the General Assembly

E-mail: libr@mlis.state.md.us

Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at Library and Information Services of the Department of Legislative Services.

CONTENTS

Section

1. Municipal corporation created; name and general powers of corporation.
2. Boundaries.
3. Qualifications for and election of mayor and common council; notification to those elected.
- 3.1. Absentee registration and reregistration and ballot for members of armed forces.
4. Board of registration of voters—Appointment and term of office.
5. Same—Form and procedure for registration of voters; cancellation of registration.
- 5.1. Absentee registration and reregistration and ballots for physically disabled voters and others.
6. Tie elections for mayor or councilman; refusal to serve and other disqualifications; filling vacancies.
7. Oaths of office, all city officers; common council judge of qualifications of mayor and councilmen.
8. Police department.
9. Clerk and treasurer.
10. Street commissioner.
11. Mayor and common council; ordinances.
12. Same—Specific powers; fines, penalties and forfeitures; suppression of disorderly conduct and nuisances within half mile of city.
13. Same—Borrowing power to meet current expenses.
- 13.1. Same—Issuance and sale of bonds, notes, etc.
14. Same—Authority to establish merit and pension system; exception as to city attorney.
15. Zoning—Purpose; general powers.
16. Same—Districts; district regulations generally.
17. Same—Subjects of district regulations, and factors to be considered.
18. Same—Determination, establishment and enforcement of district boundaries and regulations; amendments; public hearings.
19. Same—Same—Right of affected owners of property to protest changes; vote required for change when protest filed; public hearing.
20. Zoning commission.
21. Board of zoning appeals, and appeals therefrom to circuit court.
22. Enforcement of zoning ordinances and regulations.
23. Resolution of conflicts of law relating to zoning.
24. Special tax—For fire fighting equipment; fire department fund.
25. Same—For Davis Library, Inc.; library fund.
26. Condemnation of property and property rights.
27. Health, sanitation and nuisances generally.
- 27.1. Rates and charges for sanitary sewerage system to be liens.
28. Borrowing in anticipation of taxes for purpose of extending sewers to properties; liens created, etc.
29. Licenses and permits.

- 30. Contracts and taxes for light and water.
- 31. Repealed.
- 32. Repealed.
- 33. Repealed.
- 33.1. Acquisition of property, etc., for city water system; operation, etc., of water system; service; rates; water fund.
- 34. Laying out and construction, etc., of streets; street improvements assessments; appeals to circuit court.
- 35. Streets and sidewalks—General provisions; liens created.
- 36. Same—Petitions, and ordinances based thereon, for paving, etc., and payment by special assessment.
- 37. Same—Referenda, and ordinances based thereon, for paving, etc., and payment by special assessment.
- 38. Same—Duration and enforcement of liens.
- 39. Same—Owners of property.
- 40. Repealed.
- 41. Repealed.
- 42. Annual general property tax provisions; half-year tax on new construction; tax sales.
- 42.1. Borrowing power for water system.
- 43. Repealed.
- 44. Enforcement powers.
- 45. Taxicabs—Defined.
- 46. Same—Authority to fix requirements as to ownership and operations; city regulations appealable to state courts.
- 47. Same—Fine for violation of regulations; suspension or revocation of license for violation.

DIVISION 2.

Repealed.

See Appendix I.

APPENDIX I

Urban Renewal Authority for Slum Clearance

- A1-101. Definitions.
- A1-102. Powers.
- A1-103. Establishment of Urban Renewal Agency.
- A1-104. Initiation of Project.
- A1-105. Preparation and Approval of Plan for Urban Renewal Project.
- A1-106. Disposal of Property in Urban Renewal Area.
- A1-107. Eminent Domain.
- A1-108. Encouragement of Private Enterprise.
- A1-109. General Obligation Bonds.
- A1-110. Revenue Bonds.
- A1-111. Separability.
- A1-112. Short Title.
- A1-113. Authority to Amend or Repeal.

WESTMINSTER

Section 1. Municipal corporation created; name and general powers of corporation.

The inhabitants of Westminster, in Carroll County, are hereby declared to be a body corporate, by the name of “The Mayor and Common Council of Westminster,” and by that name shall have perpetual succession, may sue and be sued, have and use a common seal, which may be altered at pleasure, and have and possess all powers incident to municipal corporations, as well as those hereinafter particularly enumerated. (C.P.L.L. Md., 1930, § 522.)

Section 2. Boundaries.

A copy of the courses and distances describing the corporate boundaries of the City of Westminster shall be on file in the city offices and available for public inspection during normal business hours. A map showing the current corporate boundaries shall be maintained in the city offices and shall be similarly available for public inspection. (Char. Res. No. 76-1, § 1.)

Section 3. Qualifications for and election of mayor and common council; notification to those elected.

The government of the city shall be vested in and enforced by a mayor and common council of five members who shall be elected by the inhabitants of the city qualified to vote for delegates to the General Assembly, who have actually resided within the corporate limits of the city, and whose names shall appear upon the books of registered voters as hereinafter provided. The mayor shall be at least twenty-five years of age; the members of the common council shall be at least twenty-one years of age; and the mayor shall have resided at least two years and the members of the council at least one year within said city. The qualified voters of the city shall elect three members of the council on the second Tuesday of May, 2015, and every four years thereafter, and two members of the council and the mayor on the second Tuesday of May, 2013, and every four years thereafter.

Nominations for offices of mayor and members of the council which are filled by elections under the provisions of this section shall be made as follows: Each candidate for election shall file a certificate of nomination not later than five o'clock P.M. on the Monday which is four weeks before election day, and shall meet the requirements as above set forth as to qualifications. Said certificate shall be filed under oath with the clerk of elections, to be appointed by the mayor, acting for the judges of election of the City of Westminster, and if this date should occur on a legal holiday, the certificate must be filed not later than 9:00 P.M., on the next regular business day which is not a legal holiday. In case of any vacancy which may exist in respect to a candidate for the office of mayor or member of the common council, a town meeting shall be called by the mayor at such time and place as he shall deem proper for the purpose of filling such vacancy or vacancies. Each candidate for nomination for mayor and members of the common council shall pay the sum of twenty-five dollars. All such payments shall be made to the person with whom the certificate of nomination is filed and shall accompany the certificate. These sums shall be retained by the mayor and common council of Westminster to whom the same shall have been paid by the judges of election. In the event that any candidate who has paid

a filing fee to said judges of election shall withdraw his certificate of nomination by 11:00 A.M. ten days prior to the day of election, or in the event that the name of any candidate who has paid a filing fee shall not appear on the official ballot by reason of death, he or his estate shall be entitled to a return of said filing fee.

Said elections shall be held at such place or places as shall be designated by the mayor and common council between the hours of seven o'clock A.M., and eight o'clock in the evening. The mayor shall give at least two weeks' notice of the election in the newspapers published in Westminster and by such other means as he may elect, and shall appoint at least three judges of election for each polling place. The said judges shall keep a record of the persons voting and the persons voted for; and may use voting machines in their discretion; and the persons having the highest numbers of votes for the several offices of mayor and members of the common council shall be declared duly elected. The judges and clerk of election shall notify the persons elected of their election. Said judges shall conduct such election in accord with the ordinance prescribing the same, which shall require them to make return to the mayor and common council, and provide for the preservation of the ballots for a reasonable time. If notice of such election shall not be given as hereinbefore required, or if the judges of election shall not be appointed or refuse to act, five or more voters of said city may call an election for said offices by notice set up in the most public places in said city, not less than one week previous to such election, therein naming the time and place of holding such election, and naming three judges thereof, who, or any two of them, may hold such election, and have the same powers in respect thereto as the judges appointed by the mayor. (C.P.L.L. Md., 1930, § 524; 1939, ch. 453, § 1; 1941, ch. 105, § 1; Char. Res. No. 2, § 1; Ord. No. 361, § 1; Char. Res. No. 76-1, § 2; Char. Res. No. 91-1, § 1; Char. Res. No. 91-2, § 1, 5-12-92; Char. Res. No. 01-11, § 1, 8-30-11.)

Section 3.1. Absentee registration and reregistration and ballot for members of armed forces.

(a) *Purpose.* It is declared to be the purpose of said municipal corporation in enacting this resolution to provide that absentee residents of said municipality, as herein defined, at the time of any election, as herein defined, shall be given the right and every possible opportunity to register and vote by mail in any such election to the full extent permitted by the Constitution of the state; and, further to protect such absentee residents in the exercise of those rights, and to correlate insofar as the Constitution of the United States and the Constitution of this state permit, the provisions of this resolution with all acts of Congress and of this state relating to voting by mail by such absentee residents, and to permit and facilitate the general operation of this state and municipality and its election officials and commissions with every department, commission or agency of the United States and of the State of Maryland to which the carrying out of the provisions of such Act of Congress and of the legislature of the State of Maryland may be delegated and committed.

(b) *Absentee resident.* An "absentee resident" means a resident of said municipality, (1) qualified to vote under its Charter as to age, citizenship, and length of residence, and not disenfranchised because of crime, and (2) who is absent and engaged in the military or naval services of the United States, and their spouses, members of the merchant marines who are absent, and their spouses, and all civilians who are employees and are absent, and their spouses, and such absentee residents who are serving with the Red Cross, the Society of Friends, and their

spouses, as well as all those honorably discharged from the armed forces of the United States too late to register or vote.

(c) *Absentee registration.* Any member of the armed forces, as heretofore defined in this section, who is not registered to vote in an election of said municipality, may upon application on a form to be prepared by the board of registration, be allowed to register or reregister by absentee certification. Such absentee certification shall be issued by the board of registration upon said application being acted upon favorably by said board. Such registration or reregistration shall be done within the specified time allowed for all other registration or reregistration within said municipality.

(d) *Absentee voting.* Every absentee resident of said municipality shall be entitled to vote at any election in the manner hereafter provided.

At any time before any election, any absentee resident of said municipality who has reason to believe that because of his status as such he will be unable to vote in person at such election, may make application in writing to said municipality requesting that he be sent an absentee ballot. Such application shall be signed by the applicant and shall disclose the applicant's full name and last home address in said municipality, the address to which the absentee ballot shall be sent, and that he is in the armed services of the United States, or otherwise has a status which entitles him or her to vote as an absentee resident. As soon as the application is received, the board of registration shall mail the applicant an absentee ballot as provided in the Public General Laws of the State of Maryland. The informality of any application, including any made in accordance with said laws, or failure to include therein all the data prescribed above shall not invalidate the application and said municipality upon a written or printed request for an absentee ballot signed by the applicant shall honor the same if it is possible to ascertain from the request or otherwise the name of the individual seeking the ballot and the address to which the ballot is to be sent.

An absentee resident shall be entitled to be sent an absentee ballot as hereinabove provided only if the application therefor is received by said municipality at least ten days before the date of an election.

Notwithstanding any other provisions hereof, any form of application for the right or means to vote as an absentee resident or to secure an absentee ballot or official war ballot executed in accordance with any Act of Congress providing for absentee voting, if signed by any absentee resident, shall be treated by said municipality as an application for a city absentee ballot. (Char. Res. No. 4, § 2; Ord. No. 362, § 2; Char. Res. 76-1, § 3.)

Section 4. Board of registration of voters—Appointment and term of office.

The mayor shall, on the second Monday of April, 1939, and thereafter biennially on the second Monday of April, by and with the advice and consent of the common council, appoint three qualified voters of the said city, not holding any office under the government of the said city, and who shall constitute the board of registration of voters of Westminster, to serve for two years and until their successors shall have qualified. (1939, ch. 453, § 2.)

Section 5. Same—Form and procedure for registration of voters; cancellation of registration.

(a) *Form of permanent registration.* The said board of registration shall cause the names of all persons then registered on the registration books to be transcribed on the forms or cards provided for the permanent registration of voters, as specified in the Public General Laws of the State of Maryland. The registration of voters in said city shall thereafter be conducted as prescribed for registration books; except, that cards or loose-leaf pages or forms shall be used instead of books, and in addition to the names of the voters there shall be entered the age, actual place of domicile in said city and the time thereof, and the occupation of the persons registered, which cards, or loose-leaf pages, containing the names of the persons so registered shall be used on election day of said municipality. When such cards, or loose-leaf pages have been duly filled out, and both the original and duplicate registration forms have been signed by the applicant for registration, the said original and duplicate forms shall be filed in different filing cases or loose-leaf binders. The original forms shall constitute those for use in the polling place on election day. The duplicate forms shall constitute the permanent office record of the board, and they shall not be open to public inspection except in the presence of the clerk of the board, nor shall they be removed from the office of the board except on order of the court. The registration records shall be open to public inspection under reasonable regulations at all times when the office of the board is open for business; except, that during the twenty days preceding and ten days following an election such records shall not be opened to public inspection except upon the special order of the board.

(b) *Forms and cards.* It shall be the duty of the board of registration to prescribe the style, color, quality and dimensions of all forms, cards, and records required for the permanent registration of voters as herein provided; and to prescribe the requirements of the cabinets, binders and other equipment needed for filing the original and duplicate registration cards. No particular design or make shall be prescribed for such cabinets, binders or other equipment. Such registration forms or cards shall consist of an equal number of original cards or loose-leaf pages of one color, and duplicate cards or loose-leaf pages of another color, of a size adequate to contain the information required for books of registry, as specified hereinabove in this article. Provision shall be made on said cards or loose-leaf pages for recording the fact that registered voters have or have not voted at each general, special, or primary election; and space shall be provided for such recording for a period of not less than twelve years. The fact of voting shall be indicated by writing the letter "V" in the proper space. Provisions shall also be made on such cards or loose-leaf pages for showing subsequent changes of address or party affiliation.

(c) *Time of registration.* The board of registration may prescribe the hours during which its office at the City Hall shall be open for registration; but unless the said board by unanimous vote decides otherwise, the office shall be open for such purpose on the fourth Saturday of each month before the clerk of said board or any member thereof between the hours of 9 o'clock, A.M., and 12 o'clock, noon, beginning on the first fourth Saturday of the month following the effective date of this Charter Amendment.

(d) *Oath.* All persons applying at the office of the board of registration shall be examined under oath as to their names, addresses, age, qualifications as voters and right to register and vote.

(e) *Cancellation of registration.* If a registered voter in the city has not voted at least once at a general or special election within six preceding calendar years, it shall be the duty of the board of registration, unless cause to the contrary be shown, to cause the registration of such voter to be cancelled by removing the registration card or forms of said voter from the original and duplicate files and placing the same in a transfer file; provided, however, before such cancellation, notice shall be mailed to such voter addressed to the address given in the registration of such voter, notifying such voter to appear before such board at a date specified in such notice, not earlier than one week or later than two weeks from the date of mailing such notice, and to show cause why his or her name should not be cancelled as a voter. A voter whose registration has been cancelled under this subsection shall not thereafter be eligible to vote except by registering again as in this Charter Resolution provided. (1939, ch. 453, § 2; 1941, ch. 105, § 1; Char. Res. No. 4, § 1; Ord. No. 362, § 1; Char. Res. No. 76-1, § 4.)

Section 5.1. Absentee registration and reregistration and ballots for physically disabled voters and others.

(a) *Registration.* Any qualified voter whose physical disability confines him to a hospital or causes him to be confined to a bed and permanently prevents him from being present to register or reregister with the board of registration, shall be allowed to register or reregister by absentee certification. Such absentee certification may be issued by the board of registration upon personal application and proof satisfactory to said board of the permanent physical incapacity of the registrant to personally register or reregister with said board. Such registration or reregistration shall be done within said municipality.

Any person who will become eighteen years of age during an election year and on or prior to the date of an election, if otherwise entitled to be registered as a qualified voter, shall be entitled to register to vote at any time provided for registration of voters during such election year and, when so registered, shall be entitled to vote at such election; the date of birth of any such registrant shall be shown under the heading of "Remarks" in the registry record.

(b) *Absentee voting.* A qualified voter, who, on the occurrence of any municipal election may be unavoidably absent from said municipality for whatever reason on the day of the election, may vote as an absentee voter. A voter who is otherwise qualified and who is also a full-time and regular student in a bona-fide school, college, hospital, or similar institution and who is unavoidably absent from such municipality in which he is registered, as the case may be, on the occurrence of any election, also may vote as an absentee voter.

Any qualified voter whose physical disability which confines him to a hospital or causes him to be confined to bed and prevents or will prevent him from being present and personally voting at the polls on any election day shall be considered an absentee voter of said municipality. Such persons, as well as those set forth in the preceding paragraph, shall make application on forms to be supplied, upon application, by the board of registration, and shall obtain a certificate

from a duly licensed physician as evidence of his qualification for an absentee ballot hereunder. The certificate shall state that the voter is mentally competent to vote in elections in this state, and that because of illness or injury which confines him to a hospital or causes him to be confined to a bed, the voter is now, or will be, prevented from voting personally at said election. Such certificates shall be filed with said municipality not later than ten days prior to any election. Thereupon an absentee ballot may be mailed to the voter entitled thereto.

The “determination upon absentee voters’ application for ballots; delivery of ballots” and “ballots for absentee voters” and “instructions to voters” shall be the same as provided by the Public General Laws of the State of Maryland. (Char. Res. No. 4, § 3; Ord. No. 362, § 4; Char. Res. No. 76–1, § 5.)

Section 6. Tie elections for mayor or councilman; refusal to serve and other disqualifications; filling vacancies.

If at any election for mayor and councilmen, or three councilmen, there shall be a tie vote between any candidates for the same office, a new election shall be held; or if any person elected to the office of councilman shall refuse to act, die, resign, be disqualified or remove beyond the corporate limits, the remaining members of the council shall elect a successor to serve the remaining part of his term, who shall qualify as the other members; and in event of the death or disqualification of the mayor during the term of his office, he shall be succeeded by the president of the council, as hereinafter provided, and a successor of the president of the council shall be elected by its remaining members. (C.P.L.L. Md., 1930, § 525.)

Section 7. Oaths of office, all city officers; common council judge of qualifications of mayor and councilmen.

All officers of said city, except the mayor, before they enter upon the duties of their respective offices, shall make oath that they will act faithfully, without favor, partiality or prejudice, in all things appertaining to their respective offices; the mayor shall qualify as directed by section 7 of Article 70 of the Code of Public General Laws, title “Official Oaths,” before the clerk of the circuit court for Carroll County; and a failure to take such oath and to qualify within two weeks after their election shall be deemed a refusal on the part of the party failing to accept the office to which he has been elected. The common council shall be judges of the qualifications of the mayor and of their own members. (C.P.L.L. Md., 1930, § 526; Char. Res. No. 76–1, § 6.)

Section 8. Police department.

The mayor and common council shall have the power and authority to establish, operate and maintain a police department. All members of the police department shall have the power and authority, within the municipality and beyond those limits for one-half mile, to keep and enforce the laws of the State of Maryland and the City of Westminster. (C.P.L.L. Md., 1930, § 527; Char. Res. No. 76–1, § 7.)

Section 9. Clerk and treasurer.

The mayor and common council may provide by ordinance for the appointment of a clerk and treasurer, may prescribe his or their duties, the character and amount of penalty of the bond the treasurer shall give for the faithful performance of his duties, and fix their compensation; and may provide for the prompt payment of the taxes hereinafter authorized to be levied. (C.P.L.L. Md., 1930, § 528; Char. Res. No. 76-1, § 8.)

Section 10. Street commissioner.

They shall also appoint a suitable person to be street commissioner in said city and fix his compensation, whose duty it shall be to superintend the grading, paving, repairing, keeping in order and opening of streets, lanes and alleys in said city, and the removing of obstructions therefrom; to take care of and preserve the public squares and property and preserve the health and well-being of the inhabitants of the city, he being hereby given all the police powers of constables of this state. He shall perform all other appropriate duties prescribed by the mayor and common council, and give bond in such penalty and in such manner as may be prescribed by them. (C.P.L.L. Md., 1930, § 529.)

Section 11. Mayor and common council; ordinances.

The mayor and common council shall meet at least once a month, at such hour as shall be fixed by the common council, and at such other times as they shall adjourn to; special meetings may be called at any time by the mayor. They shall elect one of their number president, who, during the absence, sickness or disability of the mayor, shall be clothed with all his power and authority; and in event of the death, resignation or disqualification of the mayor, he shall serve as mayor for the unexpired term, receiving the salary of the mayor, with all his power and authority; at any meeting which the president fails to attend, a president pro tem shall be elected. Three members of the council shall constitute a quorum for the transaction of business, and the council shall pass rules and by-laws for their own government while in session, and all by-laws and ordinances for the government of the city. The mayor of said city, in case he disapproves of any ordinance passed by the common council, may refuse to sign the same, and shall return it to the common council at its next meeting, with his reasons for withholding his signature therefrom; and if the said ordinance, when again put upon its passage, shall receive the votes of four-fifths of the members of said common council, it shall become a valid ordinance without the signature of said mayor. All ordinances, when passed, shall be posted for no less than two weeks in some conspicuous location in the City Hall and shall be recorded in a book provided for that purpose. And the mayor and common council are authorized and directed and are given full power and authority to provide for the revision and codification of all its ordinances heretofore passed or which may hereafter be passed, and to provide for the payment of the same, and to by ordinance approve and adopt said revision and codification as a whole, as and for the ordinances then existing and in force in the City of Westminster. And said ordinances, so revised and codified, when adopted and approved by the mayor and common council, shall be evidence of said ordinances in any court of this state, and a printed copy thereof, published by the authority of the mayor and common council, shall be received in evidence and have the same force and validity as the original. All ordinances passed before or after the adoption of such codification may also

be proven by either the original or the record thereof in the book provided by the mayor and common council for recording them. (C.P.L.L. Md., 1930, § 530; Char. Res. No. 76-1, § 9; Res. 86-1, 4-22-86.)

Section 12. Same—Specific powers; fines, penalties and forfeitures; suppression of disorderly conduct and nuisances within half mile of city.

The mayor and common council of Westminster shall have power to purchase and hold real, personal and mixed property for the use and benefit of said corporation, or the recreation, entertainment and amusement of its citizens, and may convey and dispose of the same or any part thereof, and to receive property by gift, devise or deed, in trust for any municipal object. They shall have power to pass ordinances and by-laws to prevent and remove nuisances and obstructions from the streets, lanes and alleys, and from lots adjoining streets, lanes and alleys, and from any other place within the limits of said city, and regulate and prohibit the excavation and opening of streets and alleys, and any work or anything being done therein or thereon; restrain all disorders, annoyances, disorderly conduct and drunkenness; suppress street walkers, bawdy houses and prevent gambling; prevent the firing of cannons, guns, pistols, firecrackers, fireworks or other explosives within the corporate limits; suppress fires, and prevent the danger thereof; establish or aid and assist the maintenance of a fire department; make or cause to be made and repaired, all necessary drains, sewers, culverts and bridges; direct in what part of the city wooden buildings may be erected; establish building lines on any of the streets and alleys of said town, beyond which no structure can be erected; prevent and regulate the storage of gunpowder, oil or other combustible matter in such quantities and in such places as they may deem proper; regulate the speed of horses, vehicles, motorcycles, automobiles, cars and locomotives in the city limits; regulate the maintenance of proper safety appliances by railroads at street crossings and the stopping of trains thereon; provide for the restraining or regulation of theatricals or other public amusements within said city; regulate the construction and maintenance of exits from places of amusement and all public buildings; regulate the use of sidewalks and all structures in, under or above the same, and may require the owner or occupant of premises to keep the sidewalk in front of same and the gutters thereof free from snow and other obstructions, and prescribe hours for cleaning same; regulate or prevent the throwing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or any other offensive or objectionable material or substances into any street, alley or public place, or upon any vacant lot in said city; regulate or prevent the use of streets, sidewalks and public places for signs, signposts, awnings, boxes, posts, poles, horse troughs, steps, bay windows, railings, entrances, the posting of handbills and advertisements, and display of goods, wares and merchandise; regulate the putting in of sewers or drains on or under its streets or alleys, and the charges for entering and maintaining the same; grant franchises to electric companies, telegraph companies, telephone companies, street railway companies, water companies, sewer and drain companies, and any other public or quasi-public service corporation; and the ordinance or contract granting such franchise shall especially set out the nature, right and character of same, and no power or right not expressed in the franchise or grant shall pass thereunder; regulate the erection and use of telephones, telegraph and electric light poles and wires within the town; regulate the keeping of dogs in said city, and provide for the removal or killing worthless, annoying or dangerous dogs; prevent the running at large within said city of horses, cattle, hogs, geese and any other beast, brute or fowl, and regulate or prevent the keeping of the same within said city; provided

[provide] for the protection of all city property and of all public property of public service companies or corporations; punish and suppress tramps and vagrants by imposing fines, or both fine and imprisonment, or by hard labor on the streets of the city; and they may pass such other ordinances as they may deem advisable, in addition to the powers herein particularly enumerated, to provide for the good government and peace, health and welfare of the city and the inhabitants thereof. They shall have power to enforce the observance of all ordinances by fines, penalties and forfeitures, not exceeding one hundred dollars for any one offense, or by imprisonment not exceeding sixty days in the jail of Carroll County, or by both fine and imprisonment; and all ordinances relating to disorderly conduct and the suppression of nuisances may be enforced within the city limits and beyond for one-half mile. (C.P.L.L. Md., 1930, § 531.)

Section 13. Same—Borrowing power to meet current expenses.

In addition to any other borrowing power which the mayor and common council of Westminster may presently have, from whatever source derived, and notwithstanding any other provision or limitation of public general or public local law:

(a) Whenever in its opinion it is necessary for carrying out the municipal purposes of the City of Westminster, the mayor and common council of Westminster shall have the power and authority to borrow money and incur indebtedness, from time to time, in order to pay current expenses of the mayor and common council of Westminster, but the aggregate amount of such sums borrowed and not yet repaid at any one time under the authority of this section shall not exceed ten (10) percent of the city's operating expense budget for the general fund for the fiscal year in which the debt is incurred.

(b) Such borrowing or indebtedness shall be evidenced by notes to be issued, sold and delivered in accordance with the terms and conditions of an ordinance or ordinances passed in conformity with sections 31 through 37, inclusive, of article 23A of the Annotated Code of Maryland (1966 Replacement Volume, as amended), title "Corporations—Municipal," subtitle "Home Rule," subheading "Creation of Municipal Public Debt," provided, however, that:

(1) No ordinance authorizing any issue of notes pursuant to the authority contained in this section shall be subject to referendum; such ordinance shall become fully effective upon its final passage;

(2) If the ordinance or ordinances authorizing the issuance of said notes shall so specify, said notes may be sold at private sale without advertisement or publication of notice of sale or solicitation of competitive bids.

(c) The issuance of said notes shall constitute a pledge of the full faith and credit of the mayor and common council of Westminster; the prompt payment of the principal of and interest on said notes shall be made from unlimited ad valorem taxation and any other revenues, lawfully available for the purpose and described in the authorizing ordinance or ordinances. The mayor and common council of Westminster shall annually levy upon all property subject to taxation within its corporate limits ad valorem taxes sufficient to provide for the payment of the

maturing principal of and interest on any notes issued pursuant to the authority contained in this section, without limitation as to rate or amount, notwithstanding the limitation contained in section 790 of this article (section 42 of this charter) or in any other law. (1937, ch. 15, § 1; Char. Res. No. 3, § 1; Char. Res. No. 01–10, 8–3–2010.)

Section 13.1. Same—Issuance and sale of bonds, notes, etc.

In addition to any other borrowing power which the mayor and common council of Westminster may presently have, from whatever source derived, and notwithstanding any other provision or limitation of public general or public local law:

(a) The mayor and common council of Westminster may borrow money and incur indebtedness, from time to time, for any public purpose, and evidence that borrowing or indebtedness by the issue and sale of its general obligation bonds or notes issued in anticipation thereof (hereinafter sometimes collectively referred to as “bonds”).

(b) Bonds, notes or other evidences of indebtedness issued by the mayor and common council of Westminster shall be issued, sold and delivered in accordance with the terms and conditions of an ordinance or ordinances passed in conformity with sections 31 through 37, inclusive, of article 23A of the Annotated Code of Maryland (1966 Replacement Volume, as amended), title “Corporations–Municipal,” subtitle “Home Rule,” subheading “Creation of Municipal Public Debt,” provided, however, that:

(1) The mayor and common council of Westminster may sell bonds, notes or other evidences of indebtedness at private sale without advertisement or publication of notice of sale or solicitation of competitive bids, provided the ordinance(s) authorizing the issuance of the bonds, notes or other evidences of indebtedness shall so specify; and

(2) No ordinance authorizing any issue of bonds, notes or other evidences of indebtedness pursuant to the authority contained in this section shall be subject to referendum; such ordinance shall become fully effective upon its final passage;[.]

(c) The mayor and common council of Westminster may pay the maturing principal of and interest on bonds, notes or other evidences of indebtedness, to the extent practicable, from the revenues, if any, of the particular project or improvement for which the bonds, notes or other evidences of indebtedness were issued, notwithstanding any limitation contained in any other law.

(d) In addition to any other sources of payment for the principal of and interest on such bonds, notes or other evidences of indebtedness, the mayor and common council of Westminster may also pay the maturing principal of and interest on such bonds, notes, or other evidences of indebtedness, in whole or in part, from the proceeds of such capital contribution charges, connection charges (including area connection charges related to the cost of base plant construction as well as the actual cost of connection), ready to serve charges, service charges, charges for upkeep, and any other charges or impositions as the mayor and common council of Westminster may levy, impose and collect from time to time during the life of said bonds, the

power and authority so to do being hereby specifically granted, notwithstanding any limitation contained in any other law.

(e) In addition to any other sources of payment for the principal of and interest on such bonds, notes or other evidences of indebtedness, the mayor and common council of Westminster may also pay the maturing principal of and interest on such bonds, notes or other evidences of indebtedness, in whole or in part, from the proceeds of such front foot benefit assessments as the mayor and common council of Westminster may levy, impose and collect from time to time during the life of said bonds, notes or other evidences of indebtedness, power and authority so to do being hereby specifically granted, notwithstanding any limitation contained in any other law.

(f) The issuance of said bonds, notes or other evidences of indebtedness shall constitute a pledge of the full faith and credit of the mayor and common council of Westminster to the payment of the principal of and interest on such obligations when due; the prompt payment of the principal of and interest on said bonds, notes or other evidences of indebtedness shall be made from unlimited ad valorem taxation and other revenues lawfully available for the purpose and described in the authorizing ordinance or ordinances. In any event, the mayor and common council of Westminster shall annually levy upon all property subject to taxation within its corporate limits ad valorem taxes sufficient to provide, together with any other funds lawfully available for the purpose, for the payment of the maturing principal of and interest on said bonds, notes or other evidences of indebtedness, without limitation as to rate or amount, notwithstanding the limitation contained in section 790 of this article or in any other law.

(g) Nothing contained in this section shall be deemed or construed to impair the terms or conditions of any bonds, notes or other evidences of indebtedness or other obligations of the mayor and common council of Westminster issued prior to the effective date of this section. (Char. Res. No. 5, § 1.)

Section 14. Same—Authority to establish merit and pension system; exception as to city attorney.

In addition to the other powers granted to the mayor and common council of Westminster in this Article, the mayor and common council of Westminster shall have power to pass all necessary ordinances for the establishment of a merit and pension system and shall classify all the municipal offices and positions under the mayor and common council of Westminster, but, in no event shall the city attorney be included under said merit and pension system. (1943, ch. 462, § 1.)

Section 15. Zoning—Purpose; general powers.

For the purpose of promoting the health, security, general welfare and morals of the community, the mayor and council of Westminster shall have the power to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence, or other purposes. (1947, ch. 529, § 1.)

Section 16. Same—Districts; district regulations generally.

For any or all of said purposes in the foregoing section, said mayor and council of Westminster may divide the municipality into districts of such number, shape and area as it may deem best to carry out the purpose of this Act; and within such districts may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. (1947, ch. 529, § 1.)

Section 17. Same—Subjects of district regulations, and factors to be considered.

Such regulations to be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure the safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and otherwise to control and direct municipal expansion and development. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality. (1947, ch. 529, § 1.)

Section 18. Same—Determination, establishment and enforcement of district boundaries and regulations; amendments; public hearings.

The mayor and council of Westminster may provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in a paper of general circulation in Carroll County. (1947, ch. 529, § 1.)

Section 19. Same—Same—Right of affected owners of property to protest changes; vote required for change when protest filed; public hearing.

Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change, signed by the owners of twenty per cent. (See note (6)) or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite lots, extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of all the members of the legislative body of such municipality. The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments. (1947, ch. 529, § 1.)

Section 20. Zoning commission.

In order to avail itself of the powers conferred by this Act, the mayor and council of Westminster may appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the mayor and council of Westminster shall not hold its public hearings or take action until it has received the final report of such commission. (1947, ch. 529, § 1.)

Section 21. Board of zoning appeals, and appeals therefrom to circuit court.

The mayor and council of Westminster may provide for the appointment of a board of zoning appeals, and in the regulations and restrictions adopted pursuant to the authority of this Act may provide that the said board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

The board of zoning appeals shall consist of three members and they shall be appointed for a term of four years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The members of the board of zoning appeals shall be removable for cause by the appointing authority upon written charges and after public hearing.

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Act. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken, and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of zoning appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of zoning

appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

The board of zoning appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Act or of any ordinance adopted pursuant thereto.
2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.
3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as is necessary to avoid arbitrariness and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above-mentioned powers such board may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of two members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matters upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer, or any officer, department, board or bureau of the municipality may present to the Circuit Court for Carroll County, Maryland, a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after filing the decision in the office of the board.

Upon the presentation of such petition, the court may allow an appeal to review such decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the appeal shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or such portions thereof as may be called for by such appeal. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

All issues in any proceeding under this section shall have preference over all other civil actions and proceedings. (1947, ch. 529, § 1; Char. Res. No. 76-1 § 10.)

Section 22. Enforcement of zoning ordinances and regulations.

The mayor and council of Westminster may provide by ordinance for the enforcement of this Act (Char. Sections 15 to 23 inclusive) and of any ordinance or regulation made thereunder. A violation of this Act or of such ordinance or regulation is declared to be an infraction. The penalty for violation shall be \$400.00 for each initial offense and \$400.00 for each repeat offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Act (Char. Sections 15 to 23 inclusive) or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises. (1947, ch. 529, § 1; Res. No. 86-2, 9-30-86.)

Section 23. Resolution of conflicts of law relating to zoning.

Wherever the regulations made under authority of this Act require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulations, the provisions of the regulations made under authority of this Act shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Act, the provisions of such statute or local ordinance or regulation shall govern. (1947, ch. 529, § 1.)

Section 24. Special tax—For fire fighting equipment; fire department fund.

The mayor and common council of Westminster is authorized to levy and collect a special tax, not to exceed in any one year ten cents on the one hundred dollars on all property liable to assessment and taxation by the mayor and common council of Westminster, as it may consider necessary for the purpose of purchasing and maintaining fire fighting equipment for the use of Westminster fire engine and hose company, No. 1, and for its general maintenance, support and expenses. All moneys realized from said tax shall be held by the mayor and common council of Westminster in a special fund to be known as the fire department fund and shall be used for no other purposes than those herein specified. All payments out of said fund to said fire company shall be within the discretion of the mayor and common council of Westminster, and the said fire company shall furnish from time to time such financial statements and other information as may be requested by the mayor and common council of Westminster. (C.P.L.L. Md., 1930, § 532; 1953, ch. 115, § 1.)

Section 25. Same—For Davis Library, Inc.; library fund.

The mayor and common council of Westminster is authorized to levy and collect a special tax not to exceed in any one year two cents on the one hundred dollars on all property liable to assessment and taxation by the mayor and common council of Westminster, as it may consider necessary towards the cost of the maintenance and operation of the Davis Library, Inc., a free public library in Westminster. All moneys realized from said tax shall be held by the mayor and common council of Westminster in a special fund to be known as the library fund, and shall be used for no other purposes than those herein specified. All payments out of said fund to said library shall be within the discretion of the mayor and common council of Westminster, and the said library shall furnish from time to time such financial statements and other information as may be requested by the mayor and common council of Westminster. (1953, ch. 319, § 1.)

Section 26. Condemnation of property and property rights.

The mayor and common council of Westminster, in addition to the powers already possessed by it, shall have the right and power to acquire by condemnation any land, improvements, rights of way, waters, watercourses or other property of any kind whatsoever, whether used for private purposes or already devoted to a public use, or any interest therein, which it may require for an engine house or house, (See note (1)) or other fire purposes, sewers, culverts, drains, markets, parks, squares and other public places; or which it may require for streets, roads, footways, lanes, alleys, highways or bridges, including the laying out, opening, extending, widening, straightening and closing up of the same in whole or in part; or which it may require for any other public or municipal purpose. In all condemnation cases instituted by it for any purpose, the procedure followed shall be the method provided and prescribed by the Public General Laws of this State and the Rules of Procedure thereof. (C.P.L.L. Md., 1930, § 533; Char. Res. No. 76-1, § 11.)

Section 27. Health, sanitation and nuisances generally.

The mayor and common council shall have power to provide by ordinance for the construction, opening, enlarging or straightening of any sewer or drain and for regulation of the same; for paving and keeping in repair all necessary sewers and drains or gutters; to provide by ordinances for the purchase and condemnation of private or public property, as is now (See note (2)) provided in this Act for the condemnation and opening of streets in said city, for the purpose of paving, building and maintaining any sewer or drain for surface water in said city; they are empowered to by ordinance regulate and prohibit cesspools, earth pits and other means of sewage disposal; to regulate or exclude places where offensive trades or any offensive occupation is conducted or engaged in; to regulate or exclude pig pens within the corporate limits; to pass ordinances governing the disposal of garbage or refuse; to regulate or exclude slaughterhouses within the corporate limits; to pass ordinances to close polluted wells, springs and other sources of water supply when such sources shall be certified by the state board of health, after proper analysis, to be polluted; and to pass ordinances for the quarantine and regulation of all communicable diseases, not inconsistent with the laws of this state or with the rules and regulations of the state board of health; and its officers may enter upon and into any private property or building whenever necessary to execute or enforce any such ordinance. (C.P.L.L. Md., 1930, § 534.)

Section 27.1. Rates and charges for sanitary sewerage system to be liens.

The rates and charges for the use of the sanitary sewerage system as determined and charged by the mayor and common council of Westminster, a municipal corporation, are hereby declared to be and made liens upon the property using said sewerage system until paid, and that the same shall be collected as other municipal taxes of said corporation. (1937, ch. 52.)

Section 28. Borrowing in anticipation of taxes for purpose of extending sewers to properties; liens created, etc.

For the purpose of preserving the sanitary condition of the City of Westminster the mayor and common council of Westminster be, and it is hereby authorized to borrow money temporarily up to such amount as may be necessary not exceeding the amount of the obligations or indebtedness of property owners to it for the purpose of providing the mayor and common council of Westminster with the necessary funds to make sewer connections of properties with the sewerage system of the City of Westminster, the mayor and common council of Westminster is hereby authorized for the purpose of borrowing such money to give its note to be signed on behalf of the mayor and common council of Westminster by the mayor and the clerk, and to pledge as collateral the obligations or indebtedness of property owners so connected to the mayor and common council of Westminster to an amount equal to the amount of the loan, and to renew such note in whole or in part from time to time, not exceeding the maturity of the collateral. The method of pledging such indebtedness from said owners of property as collateral for such loan shall be as follows:

The city clerk shall give a certificate over his hand that there is due to the mayor and common council of Westminster a certain sum for such connections from the following property

owners, giving the number of the property and the name of the owner, and the amount due on each, and that said indebtedness is not pledged for any other loan. Said certificate attached to and delivered with the note of the mayor and common council of Westminster, as above provided, shall constitute a pledge of the indebtedness of said parties to the mayor and common council of Westminster as collateral security for the said note, or any renewal thereof as above provided. The mayor and common council of Westminster shall collect such indebtedness just the same as if it were not pledged, but shall pay over to the holder of any note given under this Act all collections of any of the indebtedness pledged as collateral therefor, and such holder shall credit all such payments on such note; and that every indebtedness accruing to the mayor and common council of Westminster from any property holder in said city arising out of said connections, as aforesaid, is hereby declared to be a lien upon the property of such property owner, until paid, and interest shall be chargeable on said indebtedness after thirty days from the time of completion of connection and that the same shall be collected, after the maturity of the note of said property owner, or of any renewal thereof, and which renewal shall be in the discretion of the mayor and common council of Westminster, as other municipal taxes of said mayor and common council of Westminster.

The mayor and common council of Westminster is hereby authorized and empowered to pass such ordinances as may be necessary to carry out the provisions of this Act. (1939, ch. 153, § 1.)

Section 29. Licenses and permits.

The mayor and common council shall have the power and authority to issue licenses and permits for occupations and businesses, other than those licensed by the State of Maryland, whenever it is deemed advisable in the interest of the public health, safety and morals. (C.P.L.L. Md., 1930, § 535; 1931, ch. 44, § 1; Char. Res. No. 76–1, § 12.)

Section 30. Contracts and taxes for light and water.

The mayor and common council of Westminster may contract with any corporation, firm or person for the lighting of the city either with electric, gas or by such other means as they may deem proper; and for water for use for extinguishing fires or for other city purposes; provided, no such contract shall be for a longer period than ten years; and the said mayor and common council of Westminster are hereby authorized and directed to annually levy a special tax upon the property subject to assessment in the City of Westminster sufficient to pay for such light or water, whether now or hereafter contracted for; and the said special tax so levied shall be collected as the other taxes are collectible, and the surplus, if any, of such special tax shall be annually carried forward to the account of this fund for the succeeding year, and at the expiration of any such contract the balance shall go into the general funds of the City of Westminster. (C.P.L.L. Md., 1930, § 536.)

Sections 31 to 33. Repealed by Charter Resolution No. 76–1, § 13.

Section 33.1. Acquisition of property, etc., for city water system; operation, etc., of water system; service; rates; water fund.

(a) The mayor and common council is authorized and empowered to acquire by lease, purchase or condemnation land, rights, privileges, waters, streams, waterways, watercourses, easements, reservoirs, facilities or franchises for the purpose of enlarging or extending the city's water system or for improving its efficiency.

(b) The mayor and common council is authorized to pass such ordinances, rules and regulations as may be necessary to provide for the proper operation, management, maintenance, enlargement, improvement, and conservation of the city's water system and supply; and is further authorized to provide water service to all premises located within the city limits and to those areas outside those limits where water service can be extended without undue expenditure and where a reasonable return thereon can be anticipated.

(c) The mayor and common council of Westminster hereby is authorized, empowered and directed to charge all premises supplied with water from the said water system such rate or rates therefor as shall be prescribed by ordinances or resolutions of the mayor and common council of Westminster, and all moneys received for water so supplied shall constitute a separate fund to be in the keeping of the treasurer of the mayor and common council of Westminster and to be known as the "water fund." Such moneys shall be used in the operation and maintenance of said water system and may also be used to defer the cost of any extension or improvement of the said water system, to pay the interest on the principal of any outstanding bonds on the said water system which may have been assumed by the said mayor and common council of Westminster at the time of the acquisition of the said water system and the interest on the principal of any bonds which may be issued under the provisions of this subheading. (Char. Res. No. 76-1, § 14; Res. No. 86-3, 9-30-86.)

Section 34. Laying out and construction, etc., of streets; street improvements assessments; appeals to circuit court.

They shall have power to provide for laying out, opening and extending, or widening or closing, straightening, in whole or in part, any street, alley or square in the city, and may fix the dimensions thereof which in their judgment the public welfare or convenience may require; to provide for ascertaining whether any, and if so, what amount in damage will be caused thereby for which the owner or possessor of any property through or over which such street or alley may pass or square or park may lie, ought to be compensated and paid; and for assessing and laying either generally on the whole assessable property within the city or specially on the property of persons specially benefited by such improvement, the whole or any part of the damages and expenses which may be incurred in laying out, opening, extending, straightening or widening such street, lane or alley, square or park; to provide (in case they shall determine to levy and assess the whole or any part of said damages and expenses upon the owners of the property in the city specially benefited by such improvement) for the appointment amongst them of the amount of such damage and expenses so determined, to be levied upon them in due proportion to the amount of benefits by them, respectively, received; to provide for the appointment of

commissioners to assess said damages and benefits and prescribe their duties and compensation; to provide for the condemnation of all land and property so taken for public use in opening, extending, straightening or widening, in whole or in part, any street, lane or alley as aforesaid, and for the notice to be given in relation thereto; to provide for the payment of the damages so awarded, and for the mode of payment, and collection of the benefits so determined to be assessed; and to pass all ordinances necessary and proper to the exercise and enforcement of the powers granted in this section; provided, however, that no land or property shall be taken under the powers given in this section without just compensation being first paid or tendered to the party entitled to such compensation, as agreed on with the owners of such property or awarded by a jury summoned for the purpose by the sheriff of Carroll County, in the mode and at the time prescribed by said mayor and common council; and provided further, that provision is made in all such ordinances for reasonable notice to the person whose land is to be condemned or against whom benefits are to be assessed, with the right of appeal to the circuit court for Carroll County by any and all persons interested, including the mayor and common council, from the decision of the jury of condemnation, or persons appointed or authorized to assess such damages or benefits. (C.P.L.L. Md., 1930, § 540.)

Section 35. Streets and sidewalks—General provisions; liens created.

The mayor and common council of Westminster shall have the power to provide by ordinance for the grading, paving and curbing, or the regrading, repaving and recurbing, of any street, alley and lane, or part thereof, in the corporate limits of said city of Westminster, now condemned, ceded or opened as a public highway, or which hereafter may be condemned, ceded, opened, widened, straightened or altered, according to the ordinances regulating the same; to lay flag-stones across said streets, alleys and lanes, whenever necessary; to provide of what material the streets, alleys and lanes, sidewalks, gutters and curbs, in said city, shall be paved and curbed, and how the same shall be done and kept in good repair. They may pass all ordinances necessary for grading and regrading, paving, repaving and repairing of the streets, alleys, lanes and footways of the said city; and compel, by fine or otherwise, the owner or proprietor of any lot to pave or repave, grade or regrade or repair the footways, curbs and gutters fronting thereon, at the expense of said proprietor or owner, in whole or in part; and if any proprietor or owner of a lot shall neglect to grade and pave, or repave or repair the footways and gutters of said lot, within thirty days after notice has been given by the mayor or street commissioner of said city, either by publication in a newspaper in the city of Westminster not less than four consecutive times, or by service of the said notice on the proprietor or owner, requiring the same to be done, the mayor and common council may direct the street commissioner to cause the same to be done at the expense of the owner or proprietor of said lot, which expense, together with an addition thereto of ten per cent for the expense of collection, shall be a lien on said property until paid, and shall be collected by the tax collector of said city in the same manner that ordinary taxes are collected, or by the mayor and common council as other debts of like amount are recovered in this state by law; provided, however, that the additional ten per cent for the expense of collection, specified above, shall not be charged except in cases wherein the said mayor and common council are obliged to resort to legal proceedings to make said collection. (C.P.L.L. Md., 1930, § 541.)

Section 36. Same—Petitions, and ordinances based thereon, for paving, etc., and payment by special assessment.

Whenever the owners of two-thirds of the linear feet of property binding on any public street, square, avenue or other city thoroughfare, or part thereof, shall petition in writing to the mayor and common council of Westminster to have such public street, square, avenue or other city thoroughfare, or part thereof, macadamized, telfordized, paved, renewed or remade, the mayor and common council of Westminster may by ordinance provide for such street, square, avenue or other city thoroughfare, or part thereof, being macadamized, telfordized, paved, renewed or remade, and by such ordinance assess [assess] not more than two-thirds of the cost of such work or improvement, pro rata, upon all the property binding upon such street, square, avenue or other city thoroughfare, or part thereof so improved, according to the linear feet of property binding upon the same; and the remaining cost of such work or improvement to be paid by the mayor and common council of Westminster; provided, that after the introduction of such ordinance and before its final passage the mayor and common council of Westminster shall give public notice of the said ordinance, and that any person interested therein will be heard upon any matter relating thereto, by the mayor and common council of Westminster, at a public hearing to be held at the time and place designated in said notice, which shall be published in one of the newspapers published in Westminster for two successive weeks before said hearing; and in addition to such notice the mayor and common council may provide for such other notice to and hearing of the owners of property affected as it may deem requisite and proper. (C.P.L.L. Md., 1930, § 542.)

Section 37. Same—Referenda, and ordinances based thereon, for paving, etc., and payment by special assessment.

The mayor and common council of Westminster may, from time to time, by ordinance provide for the submission to the qualified voters of Westminster, at any annual municipal election held in Westminster, or at any special election called for that purpose by the mayor and common council, the question of renewing, remaking, repaving and grading any specified street, square, avenue or other city thoroughfare, or part thereof, and the payment of not more than two-thirds of the cost thereof by the abutting property on such streets, pro rata, according to the linear feet of property bounding thereon, the remaining cost of such work or improvement to be paid by the mayor and common council of Westminster; and if two-thirds of the vote cast at such election shall be in favor of the said specified improvement, the mayor and common council of Westminster shall by ordinance provide for such renewing, remaking, paving and grading of any such specified street, square, avenue or other city thoroughfare, or part thereof, and the payment of not more than two-thirds of the cost thereof, as specified by such ordinance, shall be assessed pro rata upon all the property binding upon such street, square, avenue or other city thoroughfare, or part thereof so improved, according to the linear feet of property binding upon the same; and the remaining cost of such improvement or work to be paid by the mayor and common council of Westminster; provided, that the mayor and common council of Westminster shall give public notice of the passage of the ordinance submitting this question to vote, as aforesaid, by publishing said ordinance in one of the newspapers published at Westminster for four successive weeks prior to such election. (C.P.L.L. Md., 1930, § 543.)

Section 38. Same—Duration and enforcement of liens.

The assessment mentioned in the preceding sections shall be a lien on the property on which the assessment is made until the same be paid; and may be collected in any of the methods and ways for collecting taxes after the expiration of ninety days from the date of the said assessment. (C.P.L.L. Md., 1930, § 544.)

Section 39. Same—Owners of property.

A tenant for ninety-nine years, or for ninety-nine years renewable forever, or the executor or administrator of such tenant, or the guardian of an infant owner shall be deemed and taken as an owner for the purpose of any application to the mayor and common council of Westminster authorized by these foregoing sections and a tenant for ninety-nine years, or for ninety-nine years renewable forever, and the executors or administrators of such tenant, or the guardian of an infant owner shall be deemed and taken as the proprietor or owner of the estate or property assessable within the meaning of this Act in reference to streets and sidewalks, gutters and curbing, as well as for all other purposes and objects by it authorized. (C.P.L.L. Md., 1930, § 545.)

Sections 40., 41. Repealed by Charter Resolution No. 76-1, § 17.

Section 42. Annual general property tax provisions; half-year tax on new construction; tax sales.

The mayor and common council of Westminster shall levy annually a general tax on the property in said corporation. Such taxes shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrear [arrears] three months thereafter. They shall bear interest while in arrears at the rate imposed by the mayor and common council by ordinance for each month or fraction thereof until paid. The mayor and common council shall also have the authority to levy a half-year tax on new construction, which tax shall be due and payable on the first day of January in the year for which such tax is levied and shall be overdue and in arrear [arrears] three months thereafter and shall bear the same rate of interest while overdue and in arrear [arrears] as provided for taxes due and payable on the first day of July. Property upon which taxes are overdue and in arrear [arrears] may be sold by tax sale as provided in this Charter or as provided by the Public General Laws of the State of Maryland. The mayor and common council may by ordinance or resolution impose and collect a penalty for failure to pay such taxes after they are overdue and in arrears. (C.P.L.L. Md., 1930, § 547; 1935, ch. 244, § 1; 1951, ch. 531, § 1; Char. Res. No. 6, § 1; Char. Res. No. 76-1, § 18; Char. Res. No. 88-2, 2-28-89.)

Section 42.1. Borrowing power for water system.

In addition to any other borrowing power which the mayor and common council of Westminster may presently have, from whatever source derived, and notwithstanding any other provision or limitation of public general or public local law:

(a) The mayor and common council of Westminster shall have the power and authority from time to time to borrow money and incur indebtedness in order to finance the acquisition, purchase, establishment, design, construction, reconstruction, expansion, extension, alteration or repair of a water supply and distribution system, within or beyond the corporate limits of the mayor and common council of Westminster, including all sites, property rights, equipment and appurtenances necessary thereto and costs in connection therewith.

(b) Such borrowing or indebtedness shall be evidenced by the issuance of bond anticipation notes or general obligation bonds (hereinafter collectively referred to as “bonds”) the same to be issued, sold and delivered in accordance with the terms and conditions of an ordinance or ordinances passed in conformity with and pursuant to the authority of sections 31 through 37, inclusive, of article 23A of the Annotated Code of Maryland (1957 Ed., as amended), title “Corporations—Municipal,” subtitle “Home Rule,” subheading “Creation of Municipal Public Debt,” provided, however, that:

(1) No referendum shall be necessary for any issue of bonds made pursuant to the authority contained in this section;

(2) If the ordinance or ordinances authorizing the issuance of said bonds shall so specify, said bonds may be sold at private sale without advertisement or publication of notice of sale or solicitation of competitive bids.

(c) The issuance of said bonds shall constitute a pledge of the full faith and credit of the mayor and common council of Westminster; the prompt payment of the principal of and interest on said bonds shall be made from unlimited ad valorem taxation and other revenues, which may be described in the authorizing ordinance or ordinances. The maturing principal of and interest on said bonds shall be paid, to the extent practicable, from the net proceeds (after providing for costs of operation and maintenance of the water supply and distribution system) of such connection or service charges, or any combination thereof as the mayor and common council of Westminster may levy, impose and collect from time to time during the life of said bonds, power and authority so to do being hereby specifically granted, notwithstanding any limitation contained in any other law. In any event, the mayor and common council of Westminster shall annually levy upon all property subject to taxation within its corporate limits ad valorem taxes sufficient to provide for the payment of the maturing principal of and interest on said bonds, without limitation as to rate or amount, notwithstanding the limitation contained in section 547 of this article or in any other law. (See note (6))

(d) In addition to the sources of payment provided in the foregoing subsection (c), the maturing principal of and interest on said bonds may be paid, in whole or in part, from the proceeds of such front foot benefit assessments as the mayor and common council of Westminster may levy, impose and collect from time to time during the life of said bonds, power and authority so to do being hereby specifically granted, notwithstanding any limitation contained in any other law. (Char. Res. No. 1, § 1.)

Section 43.

(Repealed by Charter Resolution No. 76–1, § 19.)

Section 44. Enforcement powers.

(a) To ensure the observance of the ordinances of the city, the mayor and common council has the power to provide that violation thereof shall be a misdemeanor unless otherwise specified as an infraction, and has the power to affix thereto penalties of a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for not exceeding six (6) months, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty has the right of appeal within ten (10) days to the circuit court of the county in which the fine, forfeiture, or penalty was imposed. The mayor and common council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) (1) The mayor and common council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinances. For purposes of this charter a municipal infraction is a civil offense.

(2) A fine not to exceed four hundred dollars (\$400.00) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed four hundred dollars (\$400.00) for each repeat offense, and each day a violation continues shall constitute a separate offense.

(3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the city in writing of this intention at least five (5) days prior to the date set for payment of the fine as set forth in the citation. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court.

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(c) All ordinances relating to disorderly conduct and the suppression of nuisances may be enforced within the city limits and beyond for one-half mile. (C.P.L.L. Md., 1930, § 549; Char. Res. No. 76–1, § 20; Res. No. 86–4, 9–30–86.)

Section 45. (See note (3)) Taxicabs—Defined.

The term “taxicab” as used in this sub-title shall embrace any motor vehicle for hire designated to carry seven persons or less, including the driver, operated upon any public street or highway in the City of Westminster, or, on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along public streets or highways

in said city, as may be directed by the passenger or passengers so being transported; provided, that nothing in this sub-title shall be construed to include as taxicab a motor vehicle operated, with the approval of the public service commission of Maryland, on fixed routes and schedules. (1949, ch. 454, § 1.)

Section 46. (See note (4)) Same—Authority to fix requirements as to ownership and operations; city regulations appealable to state courts.

In order to protect the public health, safety and welfare of the citizens of the City of Westminster and other persons who may use taxicab facilities therein, the common council of Westminster is hereby authorized and empowered by ordinance to fix requirements for the ownership and operation of taxicabs in the corporate limits of Westminster and to provide for inspection and licensing of taxicabs, their owners and operators. The regulation herein provided for the taxicab industry in Westminster shall be in addition to any regulation by any agency of the State of Maryland. Any person, firm or corporation subject to this subheading who shall be dissatisfied with any ordinance of the common council of Westminster, enacted pursuant to the authority herein conferred, may commence any action in the circuit court for Carroll County against said council to vacate and set aside any such ordinance on the ground that the regulation, practice, act or service established by such ordinance is unreasonable or unlawful. The decision of the circuit court shall be appealable to the court of appeals of Maryland by either party. (1949, ch. 454, § 1; Char. Res. No. 76-1, § 21.)

Section 47. (See note (5)) Same—Fine for violation of regulations; suspension or revocation of license for violation.

Any person, firm or corporation violating any ordinance promulgated under the authority of this sub-title, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than two hundred fifty dollars for each offense. In addition, the common council of Westminster, upon proof of any violation of any ordinance promulgated under this sub-title, shall have authority to revoke or suspend any license issued under the authority thereof after according reasonable opportunity to the licensee to be heard in his, her or its defense. (1949, ch. 454, § 1.)

DIVISION 2.

Repealed.

See Appendix I.

APPENDIX I

Urban Renewal Authority for Slum Clearance

(See Note (7))

Section A1–101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include –
 - (1) acquisition of a slum area or a blighted area or portion thereof;
 - (2) demolition and removal of buildings and improvements;
 - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this appendix in accordance with the urban renewal plan;
 - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthy, unsanitary or unsafe conditions, lessen density, eliminate

obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean, the Mayor and Common Council of Westminster, a municipal corporation of this State.

Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the

power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcements of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds. [;]

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risk of hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for

financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from the buildings regulations;

(8) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved; and

(9) to exercise all or any part or combination of powers herein granted.

Section A1-103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as herinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1-104 of this appendix;

(2) The power to issue general obligation bonds pursuant to Section A1-109 of this appendix; and

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-102 (3) of this appendix.

Section A1–104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

- (1) finds that one or more slum or blighted areas exist in such municipality;
- (2) locates and defines the said slum or blighted areas; and
- (3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1–105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area [areas] or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract [contract] for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this sub-section. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall

state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal [proposals] as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of sub-section (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however that payment of such bonds, both as to principal and interest, may be either secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provisions of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loans associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political sub-divisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-111. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1–112. Short Title.

This appendix shall be known and may be cited as the Westminster Urban Renewal Authority for Slum Clearance Act.

Section A1–113. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

- (1) Singular in the original.
- (2) This section is as first enacted by 1910, ch. 341, § 224, p. 691.
- (3) The original section 550 of C.P.L.L. Md., 1930, was repealed by 1945, ch. 439, § 1. The number 550 was assigned to this section by 1949, ch. 454, § 1.
- (4) The original section 551 of C.P.L.L. Md., 1930, was repealed by 1945, ch. 439, § 1. The number 551 was assigned to this section by 1949, ch. 454, § 1.
- (5) The original section 552 of C.P.L.L. Md., was repealed by 1945, ch. 439, § 1. The number 552 was assigned to this section by 1949, ch. 454, § 1.
- (6) Thus in the original.
- (7) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Westminster in Chapter 342 of the Acts of the General Assembly of 1961.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the Town of Westminster appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

Formerly, the urban renewal powers appeared as Division 2, §§ 48–58, inclusive, of this charter.

